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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 509*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Workforce and Higher Education

Primary Sponsors: Reps. John and Fowler Arthur

Joe McDaniels, Division Chief/Attorney, and other LSC staff

SUMMARY

Department of Aging

- Increases to two years (from one year) the duration of a nursing home administrator license issued by the Board of Executives of Long-Term Services and Supports within the Department of Aging.
- Modifies to \$600 every two years (from \$300 annually) the license renewal fee for a nursing home administrator license.
- Eliminates the temporary nursing home administrator license issued by the Board, and instead allows an individual to receive a nursing home administrator license before passing a licensing examination, under specified circumstances.

Attorney General

- Eliminates, beginning December 31, 2024, the fund-raising counsel registration requirement with the Attorney General.

Chemical Dependency Professionals Board

- Revises the law governing the restoration of expired licenses, certificates, or endorsements issued by the Chemical Dependency Professionals Board, by specifying that restoration must be sought within one year after expiration, rather than within two years as under current law.

* This analysis was prepared before the report of the Senate Workforce and Higher Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Generally reduces to 30 from 40 the number of continuing education hours that a chemical dependency professional must complete as a condition of license renewal.
- Revises the law governing course requirements to be specified in Board rule for the master's degree that must be held to be eligible for a license to practice as an independent chemical dependency counselor, by eliminating both the 40 semester hour requirement and specific coursework content areas.

State Chiropractic Board

- Reduces to 200 hours, including 100 hours of direct clinical instruction (from 300 hours and 200 hours respectively), the number of hours that an approved course of study for chiropractors seeking to practice acupuncture must include to be approved by the State Chiropractic Board.

Counselor, Social Worker, and Marriage and Family Therapist Board

- Eliminates temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists.
- Reduces continuing education hours required for social work assistants to 15 hours (from 30).

State Dental Board

- Beginning January 1, 2025, eliminates licensing fee amounts for dentists and dental hygienists that differ based on the year initial licenses were issued and provides for a single amount.
- Beginning January 1, 2025, eliminates dates established in statute for dentist and dental hygienist license renewals and instead provides that each license is valid for a two-year period, expires two years after the date of issuance, and may be renewed for additional two-year periods.
- Reduces the number of continuing education hours required over each two-year license renewal period as follows: to 30 hours (from 40) for dentists and to 20 hours (from 24) for dental hygienists.
- Eliminates the dental hygienist teacher's certificate and temporary volunteer's certificate, beginning January 1, 2025.

Department of Developmental Disabilities

- Eliminates adult service worker and adult service supervisor certificates.
- Removes references to early intervention supervisor certificates, which were created through a rule that has been rescinded.

- Beginning one year after the bill's effective date, prohibits rules adopted by the Department from establishing varying levels of certification for individuals to receive an investigative agent certification.

Board of Embalmers and Funeral Directors

- Allows a college student to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice.
- Repeals, effective December 31, 2024, the crematory operator license required for an individual to perform cremations, but requires individuals engaged in the profession to register an active national certificate with the Board.
- Reduces, effective December 31, 2024, the continuing education hours required for each biennial licensing period for licensed funeral directors and embalmers, from between 12 to 30 hours to not less than 12 hours.

State Board of Emergency Medical, Fire, and Transportation Services

- Authorizes the State Board of Emergency Medical, Fire, and Transportation Services to adopt rules creating standards for criminal background checks for applicants that apply for or renew specified certifications issued by the Board.
- Reduces the continuing education hours required for a Paramedic from 86 hours to 75 hours, every three-year certification cycle.
- Reduces the maximum continuing education hours required for firefighter certification renewal from 54 hours every three-year certification cycle to 36 hours every three-year certification cycle, but authorizes a local entity to require additional hours, provided the hours are not required for the certification renewal.
- Eliminates the Emergency Medical Services Assistant Instructor Certificate and the Assistant Fire Instructor Certificate.
- Merges the current law EMS Training Programs with the EMS Continuing Education Programs to become a joint EMS Training and Continuing Education Program.
- Requires the Board to adopt rules governing procedures for the merger and steps that current operators of the individual programs must take in order to operate and teach courses that cover training and continuing education requirements.

State Fire Marshal

- Increases the duration of an underground storage tank system installer certification, from one year to two years.
- Sets the application fee for an underground storage tank system installer certification at \$300.

- Sets the renewal fee for an underground storage tank system installer certification at \$300.
- Removes the requirement that a sponsor of an underground storage tank system installer training program be certified.
- Prescribes the renewal fees for a hotel, single room occupancy license.

Department of Insurance

- Reduces the initial licensing fee for entities employing insurance navigators that is contained in the Ohio Administrative Code from up to \$250 (less than 100 navigators), or up to \$500 (100 or more navigators), to \$200 in all cases.
- Reduces the renewal fee for entities employing insurance navigators that is contained in the Ohio Administrative Code from \$100 (less than 100 navigators), or \$250 (100 or more navigators), to \$100 in all cases.
- Reduces the initial licensing fee and renewal fee for reinsurance intermediary broker licenses and reinsurance intermediary manager licenses from \$500 to \$100.
- Permits the Superintendent of Insurance to gradually reduce the licensing fees, so long as the reductions are fully implemented by July 1, 2023.

State Medical Board

- Clarifies that an applicant for a limited branch of medicine is applying for a license to practice massage therapy.
- Modifies the current requirements for an applicant for a limited branch of medicine license in massage therapy to require 600 hours in massage therapy instruction, instead of 600 hours of other specified instruction.

Board of Nursing

- Eliminates dialysis technician intern certificates, but continues to authorize an individual who has successfully completed an approved dialysis training program within the previous 18 months to practice as a dialysis technician intern, so long as the individual is supervised as provided in the bill.
- Authorizes physician assistants to supervise dialysis technicians and dialysis technician interns, in addition to physicians and registered nurses who continue to be authorized to supervise.
- Eliminates the requirement that a licensed practical nurse be authorized by the Board of Nursing, after demonstrating completion of related education, in order to administer medications or perform intravenous therapy.
- Refers to “entities” from which an advanced practice registered nurse may issue a prescription for a schedule II controlled substance, rather than “locations” as under current law.

- Removes obsolete references to the Committee on Prescriptive Governance and former advanced practice registered nurse drug formulary.
- Requires an employer who employs out-of-state nurses holding multistate licenses under the Nurse Licensure Compact to report to the Board of Nursing the number of those nurses, rather than their names as under current law.
- Authorizes the Nursing Board to contract with a third-party vendor to administer its substance use disorder monitoring program for license and certificate holders.

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

- Eliminates temporary licenses to practice orthotics, prosthetics, orthotics and prosthetics, and pedorthics; but maintains requirements applicable to an unlicensed individual providing orthotic, prosthetic, or pedorthic services under a licensee's supervision.
- Eliminates a prohibition against using a title or initials representing that a person has a temporary license listed above when the individual does not have such a license.
- Eliminates a requirement that an applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics practice under a licensee for at least eight months before being eligible for the license.
- Requires one member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers (PYT) Board be a licensed physical therapist assistant with five years of relevant experience.
- Allows one member of the Physical Therapy Section of the Board who is not a member of the Board to be a physical therapist assistant.

State Board of Pharmacy

- Sets pharmacist continuing education at 30 hours every two years, instead of having continuing education requirements set by the Pharmacy Board in rules.
- Reduces to \$30 (from \$45) the initial license and annual renewal fee for pharmacy intern licenses.

State Board of Psychology

- Eliminates licensure by the State Board of Education for school psychologists, which are licensed under current law by the Board of Education to practice school psychology in school settings.
- Requires the State Board of Psychology to license school psychologists and independent school psychologists separately (requiring the former for practice in school settings and the latter for practice outside of school settings).

- Requires the State Board of Education and the Psychology Board to coordinate to implement the changes described above by January 1, 2025.
- Adds to the Psychology Board a certified Ohio behavior analyst.

State Speech and Hearing Professionals Board

- Eliminates audiologist conditional licensure (this was a grandfathering provision for individuals who did not have a doctor of audiology degree when that became a requirement for full licensure on January 1, 2006, and is now obsolete).

Veterinary Medical Licensing Board

- Reduces the initial license fee for a veterinary license to \$275 (current law establishes a \$425 fee on license applications filed in even-numbered years and a \$300 fee on applications filed in odd-numbered years).
- Allows a person who holds a provisional veterinary graduate license to receive an initial veterinary license free of charge if the person:
 - Applies for a license to practice veterinary medicine;
 - Successfully passes a nationally recognized examination approved by the State Veterinary Medical Licensing Board for a license to practice veterinary medicine; and
 - Provides to the Board's satisfaction proof of passage of the examination.
- Regarding the initial registration fee for a veterinary technician, makes the fee a flat \$30, rather than \$25 to \$35 depending on the postmark of application, as in current law.
- Regarding the biennial veterinary technician registration renewal fee, makes the fee a flat \$30, rather than a fee of \$35 to \$60 depending on the postmark of application, as in current law.
- Regarding any fee reductions specified above, allows the State Veterinary Medical Licensing Board to gradually implement the reductions, but requires full implementation by January 1, 2028.

State Vision Professionals Board

- Permits the State Vision Professionals Board to issue initial ocularist licenses and contact lens dispensing optician licenses until December 31, 2024, and allows an individual holding an ocularist or contact lens dispensing optician license to maintain and renew the license until that date.
- Eliminates the separate topical ocular pharmaceutical agents certificate and therapeutic pharmaceutical agents certificate that are issued with an optometrist license, and specifies that a licensed optometrist has prescribing authority without holding a separate certificate.

- Requires certificates of licensure to practice optometry and dispensing optician licenses to be renewed biennially instead of annually as under current law and requires a licensee to complete continuing education to renew the license biennially.
- Eliminates the annual issuance and renewal fees under current law and establishes new biennial issuance and renewal fees for an optometrist license and dispensing optician license.
- Modifies the continuing education reporting period for licensed optometrists to match the biennial licensing period under the bill.
- Reduces the period the Board will accept a late renewal application for an optometrist license from four months after the license expires under current law to one month after the license expires and, for a dispensing optician license, from 90 days after the license expires under current law to 30 days after the license expires.
- Classifies an optometrist license as expired, rather than delinquent as under current law, if the license holder has not renewed the license during the late renewal period.
- Eliminates the ability of a licensed optometrist to apply to the Board to place the optometrist's license on inactive status when the optometrist retires or decides to practice in another state or country.
- Eliminates the fees charged to a license holder to reinstate a delinquent or inactive optometrist license.
- Extends the duration of optometrist or dispensing optician licenses issued or renewed on or after the bill's effective date.
- Specifies that an optometrist license in effect on the bill's effective date expires in the following even-numbered year and a dispensing optician expires the following odd-numbered year.
- Makes changes to the amount of supervised experience an applicant must have to be issued a dispensing optician license.
- Eliminates the fee for a dispensing optician apprentice to renew the apprentice's registration.
- Permits the Board to issue a cease-and-desist order if a person is engaging in prohibited conduct that has caused, is causing, or is about to cause substantial and material harm.
- Specifies, regarding a licensee, that a cease-and-desist order is cumulative and concurrent with other disciplinary actions the Board may take for a violation of the law governing the practice of optometry or the law governing dispensing opticians.
- Specifies that the Board may investigate an unlicensed person engaged in the practice of optometry or, for an unlicensed person engaged in optical dispensing, notify the appropriate prosecuting attorney for further action.

General provisions

- Renews for six years the nineteen occupational licensing boards reviewed this biennium by the House State and Local Government and Senate Workforce and Higher Education committees.
- Prohibits occupational licensing boards from requiring a photograph or physical description of the applicant as a condition of issuing or renewing an occupational license, certification, or registration.
- Authorizes an occupational licensing board to allow an individual who is required to complete continuing education for renewal of an occupational license, specialty occupational license for medical reimbursement, or certification to do so virtually.

Sunset Review

- Extends until December 31, 2024, authorization for the Chiropractic Loan Repayment Advisory Board and the Holocaust and Genocide Memorial Education Commission to operate.

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DETAILED ANALYSIS

Department of Aging

The bill increases, from one year to two years, the duration of a nursing home administrator license issued by the Board of Executives of Long-Term Services and Supports within the Department of Aging. As part of this change, the bill modifies the license renewal fee for a nursing home administrator license to a fee of \$600 every two years, rather than an annual fee of \$300.¹

The bill eliminates the temporary nursing home administrator license issued by the Board beginning January 1, 2025.² Under current law, the operator of a nursing home may request that the Board issue a temporary nursing home administrator license to an individual to fill a vacancy the nursing home has in the position of nursing home administrator resulting from a death, illness, or other unexpected cause. A temporary license is generally valid for 180 days and may be renewed once.

With the elimination of the temporary nursing home administrator license, the bill permits, beginning January 1, 2025, a nursing home facing the scenario described above to request that the Board issue a full nursing home administrator license to an individual who meets all of the requirements for obtaining the license but has not passed the requisite

¹ R.C. 4751.24.

² R.C. 4751.202, repealed; conforming changes throughout numerous Revised Code sections; Section 6.

licensing examination. An individual who receives a license under these circumstances must submit to the Board satisfactory evidence that the individual has passed the required licensing examination not later than 180 days after the license was first issued.³ The bill specifies that until January 1, 2025, the Board may continue to issue temporary nursing home administrator licenses. After January 1, 2025, an individual practicing under a temporary nursing home administrator license who wishes to continue practicing after the expiration of the temporary license must obtain a full nursing home administrator license. A temporary license holder that fails to obtain a full license in accordance with this provision must cease practicing nursing home administration.⁴

Attorney General

Under Ohio law, a fund-raising counsel is a person or entity that, for compensation, plans, manages, advises, or prepares material for or with respect to the solicitation of contributions in Ohio for a charitable organization or at any time has custody of contributions from a solicitation. A fund-raising counsel does not solicit contributions and does not engage a compensated person to solicit contributions.⁵ Under existing law, changed in part by the bill, if a fund-raising counsel will at any time have custody of charitable contributions from a solicitation conducted in Ohio, the fund-raising counsel must follow specified procedure regarding the handling of the contributions, and the fund-raising counsel must also register with the Attorney General and maintain a \$25,000 bond. The bill eliminates the registration and bond requirement, beginning December 31, 2024. Under the bill, fund-raising counsel continue to be subject to the requirements and procedures regarding the handling of contributions.⁶

Chemical Dependency Professionals Board

License restoration

The bill revises the law governing the restoration of expired licenses, certificates, or endorsements issued by the Chemical Dependency Professionals Board, by specifying that an individual must seek restoration of the license, certificate, or endorsement within one year after it expires.⁷ Under existing law, a license, certificate, or endorsement that has expired may be restored if the individual seeking restoration applies to the Board not later than two years after expiration. Continuing law requires the Board to issue the restored license, certificate, or endorsement if the individual pays a fee and satisfies certain continuing education or training requirements.

³ R.C. 4751.20(B).

⁴ Section 6.

⁵ R.C. 1716.01(G), not in the bill.

⁶ R.C. 1716.05, 1716.08, and 1716.99.

⁷ R.C. 4758.26.

Continuing education hours

The bill generally reduces to 30 from 40 the number of clock hours that a chemical dependency professional must complete as a condition of license, certificate, or endorsement renewal.⁸ In the case of a professional who is age 65 or older, the hours are reduced to 20. And for an individual who holds an international certificate from the International Certification and Reciprocity Consortium, the number of clock hours is the same as the number required by the Consortium.

Educational requirements – licensed independent chemical dependency counselors

The bill revises the law governing course requirements that must be specified by the Board in rule for the master's degree that must be held in order to be eligible to obtain a license to practice as an independent chemical dependency counselor or independent chemical dependency counselor-clinical supervisor. Under existing law, Board rules must specify that the coursework consist of 40 semester hours and include specific content areas. The bill eliminates these requirements.⁹

State Chiropractic Board

The bill modifies the number of hours that an approved course of study for chiropractors seeking to practice acupuncture must include to be approved by the State Chiropractic Board. Under current law, to be approved by the Board, a course must require the successful completion of at least 300 hours of instruction, including at least 200 hours of direct clinical instruction covering specified topics. The bill reduces the required number of hours to at least 200 hours of instruction including at least 100 hours of direct clinical instruction.¹⁰

Counselor, Social Worker, and Marriage and Family Therapist Board

Temporary licenses

The bill eliminates the authority of the Counselor, Social Worker, and Marriage and Family Therapist Board to issue temporary licenses for independent social workers, professional clinical counselors, and independent marriage and family therapists. Such temporary licenses are issued under current law to individuals who otherwise meet license requirements, but are waiting on transcripts or action of a professional standards committee of the Board to issue the license, or are waiting for the next opportunity to take the license exam.¹¹

⁸ R.C. 4758.51.

⁹ R.C. 4758.20; R.C. 4758.39 and 4758.40, not in the bill.

¹⁰ R.C. 4734.211(B).

¹¹ R.C. 4757.02, 4757.22, 4757.27, and 4757.301.

Social worker assistant – continuing education

The bill reduces to 15 (from 30) the number of clock hours of continuing education that the holder of a certificate of registration as a social work assistant must complete during the period the certificate is in effect.¹²

State Dental Board

Licensing fees – dentists and dental hygienists

The bill eliminates fee amounts for dentists and dental hygienists that differ based on the year an initial license was issued and, instead, provides for a single amount.¹³ Under current law, an individual applying for an initial license to practice dentistry must pay \$267 when the license issues in an odd-numbered year and \$454 when it issues in an even-numbered year. Beginning January 1, 2025, the fee amount will be \$454 for the two-year license, regardless of the year in which the license issues.

In the case of a dental hygienist, current law sets the fee for an initial application at \$120 when the license is issued in an odd-numbered year and \$184 when the license is issued in an even-numbered year. Beginning January 1, 2025, the fee amount will be \$184 for the two-year license, regardless of the year in which the license issues.

Renewal periods – dentists and dental hygienists

Beginning January 1, 2025, the bill eliminates the dates established in statute for dentist and dental hygienist license renewals and instead provides that each license is valid for a two-year period, expires two years after the date of issuance, and may be renewed for additional two-year periods.¹⁴

Continuing education – dentists and dental hygienists

The bill reduces the number of hours of continuing education required over each two-year license renewal period as follows: to 30 hours (from 40) for dentists and to 20 hours (from 24) for dental hygienists.¹⁵

Dental hygienist teacher's certificates and temporary volunteer's certificate

The bill eliminates the dental hygienist teacher's certificate and the temporary volunteer's certificate, but not until January 1, 2025.¹⁶ A teacher's certificate permits a dental hygienist who is authorized to practice in another state or country to teach or demonstrate the

¹² R.C. 4757.33.

¹³ R.C. 4715.13 and 4715.21.

¹⁴ R.C. 4715.14 and 4715.24.

¹⁵ R.C. 4715.141 and 4715.25.

¹⁶ R.C. 4715.27 and 4715.421 (repealed).

skills of a dental hygienist in the educational programs of an accredited dental hygiene school. A temporary volunteer's certificate authorizes a person not licensed by the State Dental Board to provide dental services in Ohio, but is valid only for a seven-day period.

Department of Developmental Disabilities

Beginning January 1, 2025, the bill prohibits the Department of Developmental Disabilities from requiring through rule that an individual employed by a county board of developmental disabilities be certified to provide adult services or supervise the provision of adult services. In conjunction with this change, it eliminates references in current law to certificates for adult service workers and adult service supervisors.¹⁷ Under current administrative rules, certification is required for adult services workers and supervisors.¹⁸

The bill also eliminates statutory references to early intervention supervisor certificates,¹⁹ which were created through a rule that has been rescinded.

The bill specifies that, beginning not later than one year after its effective date, rules adopted by the Department are prohibited from establishing varying levels of certification for individuals to receive an investigative agent certificate and instead must establish uniform qualifications.²⁰ Under current administrative rules, the Department issues two different levels of investigative agent certification.²¹ The bill requires that the rules also establish a process for converting existing investigative agent certificates of varying levels into a single level of certification.

Board of Embalmers and Funeral Directors

College student apprentices

The bill allows a college student to apply to be a funeral director apprentice, embalmer apprentice, or combined funeral director and embalmer apprentice. Current law, unchanged by the bill, requires a funeral director or embalmer to hold a bachelor's degree and to have satisfactorily completed a one-year apprenticeship.²²

Crematory operator permit

The bill repeals, effective December 31, 2024, the requirement that a person have a crematory operator permit to be a crematory operator. Under existing law, a person who desires to obtain such a permit must apply to the Board of Embalmers and Funeral Directors, and the applicant must include an initial permit fee and satisfactory evidence that the applicant

¹⁷ R.C. 5126.25(J)(1) and 5126.22(C).

¹⁸ Ohio Administrative Code (O.A.C.) 5123:2-5-01.

¹⁹ R.C. 5126.25(E)(1).

²⁰ R.C. 5126.25(J)(2).

²¹ O.A.C. 5123-5-07.

²² R.C. 4717.05(A)(2), (A)(5), (C)(1), (C)(3), and (H).

is at least 18 and has satisfactorily completed a crematory operation certification program approved by the Board.

The bill instead requires the Board to adopt rules that establish requirements that a crematory operator maintain, and file with the Board evidence of, an active certification from a national crematory operator certification program as a condition for acting as a crematory operator in Ohio.²³

Continuing education

Currently, licensed embalmers and funeral directors must attend between 12 and 30 hours of educational programs as a condition for renewal; the Board has administratively set this amount at 18 hours. The bill sets, beginning December 31, 2024, the continuing education requirement at not less than 12 hours.²⁴

State Board of Emergency Medical, Fire, and Transportation Services

Criminal background checks

The bill authorizes the State Board of Emergency Medical, Fire, and Transportation Services to adopt rules that create standards for criminal background checks for applicants who are applying for or renewing any of the following certifications:

- First Responder (EMR);
- Emergency Medical Technician – Basic (EMT);
- Emergency Medical Technician – Intermediate (AEMT);
- Emergency Medical Technician – Paramedic;
- Emergency Medical Instructor; and
- Fire Safety Inspector.

Under current law, unchanged by the bill, when a person who is already certified in any of the emergency medical services professions listed above applies for a position with a new employer, that employer may request a criminal records check on the applicant. However, current law does not provide for the Board to conduct criminal background checks on applicants prior to their certification.²⁵

²³ R.C. 4717.01, 4717.02, 4717.03, 4717.04, 4717.051, repealed, 4717.06, 4717.07, 4717.08, 4717.09(D) and (H), 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41; Section 8.

²⁴ R.C. 4717.09(A); Section 8; O.A.C. 4717-9-01.

²⁵ R.C. 4765.11(B) and 4765.55; R.C. 4765.301, not in the bill.

Continuing education hours reductions

The bill reduces the maximum continuing education hours required for a Paramedic from 86 hours every three-year certification cycle to 75 hours every three-year certification cycle. Additionally, it also reduces the maximum continuing education hours required for firefighter certification renewal from 54 hours every three-year certification cycle to 36 hours every three-year certification cycle. Regarding the continuing education for firefighter certification, the bill authorizes a local entity to require additional hours beyond the state-required hours, provided those hours are not required for the renewal of the firefighter's certification. Continuing education requirements, including required hours, are currently specified in rules adopted by the Executive Director of the State Board of Emergency Medical, Fire, and Transportation Services.²⁶

Eliminated certifications

The bill eliminates both of the following certifications:

1. The Emergency Medical Services (EMS) Assistant Instructor Certification; and
2. The Assistant Fire Instructor Certification.

Any of the above certifications that are valid on the bill's effective date remain valid for the individuals who hold them until the certifications expire. The certificate may not be renewed. The Board must adopt rules in accordance with the Administrative Procedure Act to effectuate the elimination of these certifications.²⁷

EMS training and continuing education certification mergers

The bill requires the Board to establish procedures for accrediting emergency medical services training and continuing education programs under one certificate of accreditation. Thus, an accredited program must offer both training and continuing education services. To effectuate the merger of the certifications, the Board must adopt rules that specify the following:

1. The steps that the operator of a training program accredited prior to the bill's effective date must take in order to offer continuing education courses;
2. The steps the operator of a continuing education program accredited prior to the bill's effective date must take in order to offer training courses; and

²⁶ R.C. 4765.16 and 4765.55 and Ohio Emergency Medical Services, [EMS & Fire Certifications](#), which may be accessed by conducting a keyword "fire service certificates to practice" search on the Ohio Emergency Medical Services website: ems.ohio.gov.

²⁷ R.C. 4765.11 and 4765.55.

3. The steps that any person certified as an EMS instructor or an EMS continuing education teacher prior to the bill's effective date must take to retain certification in order to teach both training and continuing education courses.²⁸

State Fire Marshal

Underground storage tank system installer certification

The bill increases the duration of an underground storage tank system installer certification. Under current law, the certification is renewed annually. Under the bill, the certification is renewed biennially.²⁹

The bill sets the certification and renewal fee at \$300. Currently, these fees are set by the State Fire Marshal in rule. The current fees are \$150, but the certification is renewed annually. And so this change to the law will have no practicable impact.³⁰

Hotel and SRO licensing

The bill sets the renewal fees for a hotel, single room occupancy (SRO) license. Under current law, the State Fire Marshal is authorized to set the license fees for a hotel or SRO in rule. The bill maintains this authority for initial license fees, but prescribes the renewal fees as follows:

- For a hotel or SRO facility containing at least six but less than 26 rooms, \$25;
- For a hotel or SRO facility containing at least 26 but less than 51 rooms, \$50;
- For a hotel or SRO facility containing at least 51 but less than 76 rooms, \$75;
- For a hotel containing 76 or more rooms, \$100.³¹

Department of Insurance

Insurance navigator licensing fees

The bill reduces the initial application fees and renewal fees for insurance navigators. An insurance navigator is a person selected to perform specified activities and duties identified in the federal Affordable Care Act:

- Conduct public education activities to raise awareness of the availability of qualified health plans;

²⁸ R.C. 4765.10, 4765.11, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 4765.29, 4765.30, 4765.31, 4765.49, and 4765.50.

²⁹ R.C. 3737.881(A).

³⁰ R.C. 3737.881(D)(5).

³¹ R.C. 3737.031.

- Distribute fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits and cost-sharing reductions;
- Facilitate enrollment in qualified health plans;
- Provide referrals to appropriate state agencies for any enrollee with a grievance or question regarding their health plan.³²

Currently, initial licensing fees and renewal fees are established in the Ohio Administrative Code. The current rule imposes different fees based on how many insurance navigators a business entity employs. For entities with less than 100 employed insurance navigators, an applicant must pay an initial application fee not exceeding \$250, and an annual renewal fee not exceeding \$100. For entities with 100 or more employed insurance navigators, an applicant must pay an initial application fee not exceeding \$500, and an annual renewal fee not exceeding \$250.

The bill statutorily codifies these fees and reduces the initial licensing fee for insurance navigators to \$200 in all cases, and reduces the renewal fee to \$100 in all cases, regardless of the number of insurance navigators employed by a business entity.³³

Reinsurance intermediary broker and manager licensing fees

The bill also reduces the initial licensing and renewal fees for reinsurance intermediary broker licenses and reinsurance intermediary manager licenses. Current law imposes a fee of \$500 for both the issuance and renewal of licenses for reinsurance intermediary brokers and reinsurance intermediary managers. The bill reduces the fee to \$100 for the issuance and renewal of these licenses.

A reinsurance intermediary broker is a person, generally, that solicits, negotiates, or places reinsurance cessions (an insurer reinsuring its liability with another) or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of that insurer. A reinsurance intermediary manager is, generally, a person that has authority to bind or that manages all or part of the assumed reinsurance business of a reinsurer and that acts as an agent of the reinsurer.³⁴

Department of Insurance licensing fee effective date

The bill allows the Superintendent of Insurance to gradually reduce the licensing fees for reinsurance intermediary brokers, reinsurance intermediary managers, and insurance

³² R.C. 3905.01, not in the bill, and by reference Section 1311 of the “Patient Protection and Affordable Care Act,” 124 Stat. 119.

³³ R.C. 3905.471 and O.A.C. 3901-5-13.

³⁴ R.C. 3905.81.

navigators, until the reductions are fully implemented. These fee reductions must be made by July 1, 2023.³⁵

State Medical Board

Massage therapy

Under current law, the State Medical Board regulates massage therapy as a limited branch of medicine. A person who engages in the practice of massage therapy must obtain a license from the Medical Board in the limited branch of medicine of massage therapy.

The bill makes conforming changes to reflect the fact that massage therapy is currently the only limited branch of medicine license issued by the Medical Board. The bill also modifies the current educational requirements for an applicant for a limited branch of medicine license in massage therapy to require 600 hours in massage therapy instruction. Current law requires 600 hours of instruction in the following topics:³⁶

- 275 hours in anatomy and physiology and pathology;
- 275 hours in massage theory and practical, including hygiene;
- 25 hours in ethics; and
- 25 hours in business and law.

Board of Nursing

Dialysis technicians and dialysis technician interns

The bill eliminates an existing requirement that dialysis technician interns be certified by the Board of Nursing to practice. Instead, interns may practice without certification so long as the individual is supervised, as discussed below.³⁷ A dialysis technician intern is an individual who has not yet passed the dialysis technician certification exam, but who has successfully completed an approved dialysis training program within the previous 18 months.³⁸

Under current law, dialysis technicians and dialysis technician interns must be supervised by a physician or registered nurse. The bill adds that either also may be supervised by a physician assistant. Supervision continues to require that the technician or intern be in the immediate presence of the supervising practitioner when providing dialysis care.³⁹

³⁵ R.C. 3905.471 and 3905.81.

³⁶ R.C. 4731.19, with conforming changes in R.C. 4731.16 and 4731.17.

³⁷ R.C. 4723.72; R.C. 4723.76, repealed; related changes in R.C. 4723.08, 4723.091, 4723.092, 4723.73, 4723.75, 4723.79, and 4723.88.

³⁸ R.C. 4723.01(S).

³⁹ R.C. 4723.72(B).

Licensed practical nurses – medication administration and intravenous therapy

The bill eliminates the current law requirements that a licensed practical nurse (LPN) be authorized by the Nursing Board in order to administer medication or intravenous (IV) therapy.⁴⁰ Under this existing law, to be authorized to administer medication, an LPN must demonstrate to the Board that the nurse has successfully completed a course in basic pharmacology either as part of the nurse’s pre-licensure education program or a post-licensure course. In addition, to be authorized under current law to perform IV therapy, an LPN must demonstrate to the Board the nurse is authorized to administer medications and has successfully completed a course of study or continuing education related to IV therapy. The bill also eliminates the current law requirement that the Board approve courses of study in the safe performance of IV therapy.⁴¹

Advanced practice registered nurses – prescriptive authority and drug formulary

With respect to the law governing the authority of an advanced practice registered nurse (APRN) to prescribe a schedule II controlled substance to a patient, the bill refers to “entities” from which the nurse may issue the prescription rather than “locations” as under current law.⁴² Existing law allows an APRN to prescribe a schedule II controlled substance only in the following circumstances – when the patient has a terminal condition, the drug was prescribed initially by a physician, the amount does not exceed that necessary for use in a single, 72-hour period. These limitations, however, do not apply when the APRN prescribes the schedule II drug from specified locations, including hospitals, hospice care programs, or ambulatory surgical facilities.

The bill eliminates obsolete references to the Committee on Prescriptive Governance, which was abolished in 2021, and to the APRN drug formulary established prior to April 6, 2017.⁴³

Nurse licensure compact and multistate licenses – employer reporting

The bill requires an individual, business, or government entity that employs out-of-state nurses holding multistate licenses issued under the Nurse Licensure Compact to report to the Nursing Board the number of these nurses the individual, business, or government entity

⁴⁰ R.C. 4723.17, repealed, 4723.18, 4723.181, and 4723.19, repealed.

⁴¹ R.C. 4723.07 and 4723.48.

⁴² R.C. 4723.481.

⁴³ R.C. 4723.481 and 4723.50.

employs. Under current law, the individual, business, or government entity must instead report to the Board the nurses' names and any other information required by Board rules.⁴⁴

Substance use disorder monitoring program

The bill authorizes the Nursing Board to contract with a third-party vendor to administer its substance use disorder monitoring program for its license and certificate holders.⁴⁵ Under current law, the Board must develop, name, and designate a coordinator to administer the program, without any option to contract with another entity to administer the program.

The bill requires the program coordinator or vendor to maintain all program records in a manner that protects their confidentiality, rather than maintaining them at the Board's office as under current law.

Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Orthotist, prosthetists, and pedorthists licensure

The bill eliminates a requirement that an applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics practice under a licensee for at least eight months before being eligible for licensure. It also eliminates temporary licenses to practice in these areas and a prohibition against an individual representing that the individual has a temporary license when the individual does not have such a license.

Currently, an individual who is 18 or older and who has met applicable education requirements is eligible for a temporary license listed above. A temporary licensee may represent oneself as a temporary licensee while practicing under the supervision of a fully licensed practitioner. The temporary license is valid for one year and may be renewed once in accordance with rules adopted by the Occupational Therapy, Physical Therapy, and Athletic Trainers (PYT) Board. An individual who represents the individual's self as being a temporary licensee while not possessing the license is guilty of a minor misdemeanor for the first offense and a fourth degree misdemeanor for each subsequent offense.⁴⁶

Under continuing law, an individual may provide orthotic, prosthetic, or pedorthic services while being supervised by a licensee (holding a temporary license is not required). The individual may not perform any services that the supervising licensee is not authorized to perform and both of the following apply to the services:

- The supervising licensee must be physically present during the patient's initial evaluation and during the fitting and delivery of an orthotic or pedorthic device or prosthesis;

⁴⁴ R.C. 4723.114.

⁴⁵ R.C. 4723.35.

⁴⁶ R.C. 4779.03 and 4779.18, repealed; R.C. 4779.99, not in the bill.

- At any time other than the initial evaluation, fitting, or delivery, the supervising licensee must either be physically present or within 60 minutes travel time from the location and reachable through telecommunication.

Currently, after eight months of supervised practice, an individual who is 18 or older and meets the educational requirements is eligible for full licensure. Under the bill, an individual without a license may continue to provide services under supervision, but eight months of supervised practice is not a prerequisite for licensure.⁴⁷

Board membership

The bill requires that four members of the PYT Board be licensed physical therapists with at least five years of experience, and one member be a licensed physical therapist assistant with five years of relevant experience. Currently, five members of the Board must be physical therapists with five years of experience.

The bill also allows one member of the Physical Therapy Section of the Board who is not a member of the Board to be a physical therapist assistant. Under continuing law, the Section consists of five members who are also members of the PYT Board and four additional members, appointed by the Governor with the advice and consent of the Senate, who satisfy the same qualifications as the Board members sitting on the Section, but who are not members of the Board. All members of the Section who are not Board members must have five years of experience.⁴⁸

The bill does not affect the term of any Board member serving on the bill's effective date. The member of the Board who is required by the bill to be a licensed physical therapist assistant must be appointed to fill the first vacancy occurring on or after the bill's effective date caused by a physical therapist board member leaving the Board.⁴⁹

Technical change

The bill corrects an erroneous cross-reference in current law governing the PYT Board's ability to contract with the Ohio Occupational Therapy Association, or its successor organization, for assistance in performing the PYT Board's duties.⁵⁰

State Board of Pharmacy

The bill sets continuing education for pharmacists at 30 hours every two years.⁵¹ Under existing law, continued pharmacy education must be completed in accordance with rules,

⁴⁷ R.C. 4779.10 to 4779.13, and 4779.17; R.C. 4779.04, not in the bill.

⁴⁸ R.C. 4755.01.

⁴⁹ Section 9.

⁵⁰ R.C. 4755.062.

⁵¹ R.C. 4729.12(C).

which currently require 40 hours every two years.⁵² Thus, the bill reduces continuing education requirements for pharmacists.

The bill reduces the initial license and annual renewal fee for pharmacy interns, to \$30 from \$45.⁵³ The bill allows the Pharmacy Board to gradually implement the fee reduction, but the reductions specified by the bill must be fully implemented by January 1, 2028.⁵⁴

State Board of Psychology

Licensure of school psychologists

The bill modifies licensure for school psychologists by (1) eliminating existing licensure for school psychologists by the State Board of Education through its rules and (2) requiring the Psychology Board to license two types of school psychologists: those that practice in school settings (school psychologists) and those that practice outside of school settings (independent school psychologists).

Under current law, two types of licenses are available for school psychologists. First, through rules, the State Board of Education licenses school psychologists who practice school psychology within the scope of employment by a board of education or by a private school that meets State Board of Education standards, or in certain programs for children with disabilities.⁵⁵ These Board of Education-licensed school psychologists are prohibited from offering psychological services to any other individuals, organizations, or groups for remuneration, unless also licensed by the Psychology Board (described below).⁵⁶ The bill transfers this licensure to the Psychology Board.⁵⁷

The second available license for school psychologists under current law is through the Psychology Board. This license authorizes the practice of school psychology without regard for the location of practice.⁵⁸ Under the bill, this license becomes an “independent school psychologist” license under the Psychology Board. The table below summarizes these changes.

⁵² O.A.C. 4729:1-5-02.

⁵³ R.C. 4729.15(A).

⁵⁴ R.C. 4729.15(C).

⁵⁵ R.C. 3319.22 and O.A.C. 3301-24-05.

⁵⁶ R.C. 4732.22(A)(1).

⁵⁷ R.C. 4732.01 and 4732.09 to 4732.14; related and conforming changes in R.C. 2925.01, 3310.41, 4732.01, 4732.02, 4732.12, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 4732.31, 4732.33, 4743.09, 4757.41, and 5164.95; R.C. 3319.2212, repealed; Section 13.

⁵⁸ Existing definition of “school psychology” in R.C. 4732.01.

School psychologist licensure		
	Current law	The bill
Psychologists practicing in a school setting	Must be licensed by the State Board of Education as a school psychologist.	Must be licensed by the Psychology Board as a school psychologist.
Psychologists practicing outside of a school setting	Must be licensed by the Psychology Board as a school psychologist.	Must be licensed by the Psychology Board as an independent school psychologist.
Psychologists practicing in both settings	Must be licensed by the State Board of Education as a school psychologist and by the Psychology Board as a school psychologist.	Must be licensed by the Psychology Board as a school psychologist and an independent school psychologist.

The bill generally maintains examination and education requirements as under current law for school psychologists.⁵⁹ It also maintains the period of validity for each type of school psychologist license (two years for independent school psychologists and five years for school psychologists (formerly the Board of Education licensees).⁶⁰ For school psychologist licensees (formerly Board of Education licensees), the bill reduces continuing education to 50 hours every five years (from 180 “contact” hours, under current rules).⁶¹ The bill generally applies all requirements in existing law for psychologists and school psychologists licensed by the Psychology Board to school psychologists and independent school psychologists licensed under the bill.

Transition period

The bill requires the above-described changes to be implemented not later than January 1, 2025. It requires the State Board of Education and the Psychology Board to coordinate with each other to implement the changes. During the transition period, until the bill’s changes are fully implemented, the Board of Education and Psychology Board may continue to regulate school psychologists under the law as it existed prior to the bill.⁶²

School Psychology Examination Committee

The bill eliminates the existing School Psychology Examination Committee.⁶³

⁵⁹ R.C. 4732.10; compare R.C. 4732.10(D) to O.A.C. 3301-24-05(C)(1)(c).

⁶⁰ R.C. 4732.14.

⁶¹ R.C. 4732.141(A)(1)(b); see also O.A.C. 3301-24-08.

⁶² R.C. 3319.22(A)(2); Section 15.

⁶³ R.C. 4732.11(D); conforming change in R.C. 4732.05.

Psychology Board composition

The bill adds to the Psychology Board a certified Ohio behavior analyst.⁶⁴ It also authorizes the psychologist members of the Board to include independent school psychologists in addition to psychologists and school psychologists.

State Speech and Hearing Professionals Board

The bill eliminates audiologist conditional licensure. This license type was part of a grandfathering provision for individuals who did not have a doctor of audiology degree when that became a requirement for full licensure on January 1, 2006, and is now obsolete.⁶⁵

Veterinary Medical Licensing Board

Current law establishes licensing and registration fees for various veterinary professions. The licenses and registrations are issued by the State Veterinary Medical Licensing Board. Generally, the bill reduces some of these license and registration fees.

Veterinary license fee

Current law establishes the initial license fee for a veterinary license as follows:

1. For an application filed on or after March 1 in an even-numbered year, \$425;
2. For an application filed on or after March 1 in an odd-numbered year, \$300.

The bill reduces the initial license fee to \$275 regardless of the date an initial application is submitted. It also eliminates the reference to March 1 for purposes of payment of the initial license fee.⁶⁶

Provisional veterinary graduate license fee

Current law allows a person who has done both of the following to submit an application to the Board for a provisional veterinary graduate license:

1. Graduated from a veterinary college approved by the Board; and
2. Applied for and is waiting to take a nationally recognized examination approved by the Board for a license to practice veterinary medicine.

A provisional veterinary graduate licensee may perform their duties only under direct supervision of a licensed veterinarian. The license fee is \$100 and the license is valid for six months.

The bill allows a provisional veterinary graduate licensee to receive a free initial veterinary license if the person:

⁶⁴ R.C. 4732.02; see also R.C. 4783.04, not in the bill (regarding certification of Ohio behavior analysts).

⁶⁵ R.C. 4753.06 and 4753.071, with a conforming change in R.C. 4753.12.

⁶⁶ R.C. 4741.17(A)(1).

1. Applies for a license to practice veterinary medicine;
2. Successfully passes a nationally recognized examination approved by the Board for a license to practice veterinary medicine; and
3. Provides to the Board's satisfaction proof of passage of the examination.⁶⁷

Veterinary technician registration

Current law establishes the initial registration fee for a veterinary technician as follows:

1. For an application filed on or after March 1 in an odd-numbered year, \$35;
2. For an application filed on or after March 1 in an even-numbered year, \$25.

The bill makes the fee a flat \$30 regardless of the date an initial application is submitted. It also eliminates the reference to March 1 for purposes of payment of the initial registration fee.

Current law establishes the biennial veterinary technician registration renewal as follows:

1. For an application postmarked by March 1, \$35;
2. For an application postmarked between March 1 and April 1, \$45; and
3. For an application postmarked after April 1, \$60.

The bill makes the fee a flat \$30 regardless of the date a renewal application is submitted.

Gradual implementation of fees

Regarding any fee reductions specified above, the bill allows the Board to gradually implement the reductions, but requires full implementation by January 1, 2028.⁶⁸

State Vision Professionals Board

Elimination of ocularist and contact lens dispensing optician licenses

The bill eliminates the ocularist license and contact lens dispensing optician license.⁶⁹ Under current law, a licensed ocularist designs, fabricates, and fits artificial eyes or prostheses associated with the appearance or function of the human eye. The bill specifies that a person who holds a certificate of licensure to practice optometry (optometrist license) may engage in these activities.⁷⁰

⁶⁷ R.C. 4741.15, not in the bill and 4741.17(A)(12) and (B).

⁶⁸ R.C. 4741.17(D).

⁶⁹ R.C. 4725.40 and 4725.48, with conforming changes in multiple R.C. sections.

⁷⁰ R.C. 4725.01(A)(6) and 4725.41; R.C. 4725.40(J), repealed.

After the bill's effective date, existing ocularist and contact lens dispensing optician licenses are valid until they expire. The bill permits an individual who, on the bill's effective date, holds a valid ocularist license or contact lens dispensing optician license to maintain and renew the license in accordance with rules adopted by the State Vision Professionals Board under current law until December 31, 2024. It also allows the Board to issue initial ocularist licenses and contact lens dispensing optician licenses until that date.⁷¹

Elimination of topical ocular pharmaceutical agents and therapeutic pharmaceutical agents certificates

The bill eliminates the separate topical ocular pharmaceutical agents certificate and therapeutic pharmaceutical agents certificate that are issued with an optometrist license. Current law treats the issuance and renewal of these certificates as a separate action from issuing the licenses, but the documents are issued and renewed together. A licensed optometrist is required under current law to hold a topical ocular pharmaceutical agents certificate to use topical drugs to evaluate a patient or a therapeutic pharmaceutical agents certificate to use drugs or dangerous drugs in examining, diagnosing, and treating a patient. The bill specifies that a licensed optometrist has prescribing authority without holding a separate certificate.⁷²

An individual who, before the bill's effective date, holds a valid optometrist license or topical ocular pharmaceutical agents certificate may continue to practice optometry within the scope of the license or certificate. The bill also allows an individual to complete additional education to engage in the practice of optometry under the bill.⁷³

Biennial license renewal

The bill requires a person holding an optometrist license or dispensing optician license to renew the license biennially instead of annually as under current law.

Under the bill, an optometrist license expires on December 31 of each even-numbered year. The bill establishes an initial biennial license fee and biennial renewal fee for an optometrist license of \$350, which is equal to an amount that is double the annual initial and renewal fees of \$175 for an optometrist license under current law (a \$130 initial or renewal optometrist license fee and a \$45 initial or renewal fee for a topical ocular pharmaceutical agents certificate or therapeutic pharmaceutical agents certificate).⁷⁴

A dispensing optician license, under the bill, expires on December 31 of each odd-numbered year. Currently, the license expires on January 1 of the year after it was issued. The

⁷¹ Section 7.

⁷² R.C. 4725.01, 4725.12, 4725.13, and 4725.14, repealed, with conforming changes in multiple R.C. sections.

⁷³ R.C. 4725.131.

⁷⁴ R.C. 4725.16(A) and 4725.34.

bill establishes a \$195 biennial initial license fee and \$195 renewal fee for a dispensing optician license. Under current law, an applicant must pay a \$50 annual fee for an initial dispensing optician license and an annual renewal fee of \$100 established by the Board in rule.⁷⁵

Continuing education

The bill requires a licensee to complete an amount of continuing education biennially to renew the license, rather than annually as under current law. A licensed spectacle dispensing optician must complete 12 hours of continuing education and a licensed spectacle-contact lens dispensing optician must complete 24 hours of continuing education each biennial licensing period, double the six hours and 12 hours per year, respectively, required under current law.

A licensed optometrist must complete 50 hours of continuing education each biennium including 20 hours of pharmacology instruction, rather than 25 hours of continuing education per year under current law with ten hours of pharmacology instruction. Current law requires a licensed optometrist to complete the continuing education during the period beginning October 1 and ending September 30 before the license expires. The bill requires a licensee to complete the continuing education during the biennial licensing period beginning January 1 of each odd-numbered year and ending December 31 of each even-numbered year. An optometrist must pay the continuing law penalty for late completion of continuing education after that date. The bill waives the continuing education requirement for an active duty military member who received an initial license during the nine-month period ending on December 31 of an even-numbered year (current law waives it each year if the member received the license during the nine-month period ending on September 30).⁷⁶

Late renewal and expiration

Under the bill, a licensed dispensing optician may apply for late renewal within 30 days after the license expires, shortened from 90 days after the license expires under current law. A licensee applying for renewal during that 30-day late renewal period must pay the continuing law penalty, and similar to continuing law, must take an examination as a condition of renewal after the 30-day late renewal period has passed.

The bill requires the Board to mail a license renewal notice and application to each licensed optometrist who may be eligible for renewal by November 1 of each even-numbered year, rather than annually as under current law. It maintains the requirement under continuing law that the Board notify a licensee of the licensee's failure to qualify for renewal, but removes the requirement that the notice be sent by November 15.

Under current law, a licensed optometrist may apply to the Board for late renewal during the four-month period following the date of expiration of the license, from January 1 to April 30. The bill shortens this period to one month during January of the odd-numbered year after a license expires. A license that is not renewed during this time is classified as expired,

⁷⁵ R.C. 4725.48(B) and 4725.51(A); O.A.C. 4725-3-14 and 4725-3-15.

⁷⁶ R.C. 4725.16(B) and (D) and 4725.51, with conforming changes in R.C. 4725.34.

rather than delinquent as under current law, by the Board. Under the bill, the Board must send a licensee a late renewal notice on January 15 of an odd-numbered year (under current law, this is the second late renewal notice and it must be sent by December 15). If a license is classified as expired, the licensee must complete the required continuing education, pass the licensing examination, and pay the renewal fees to reinstate the license required under continuing law. The bill removes the requirement that the licensee pay an additional reinstatement fee.⁷⁷

Inactive optometrist licenses

The bill removes the ability of a licensed optometrist to place the optometrist's license on inactive status. Under current law, an optometrist who intends to discontinue practicing in Ohio because of retirement or a decision to practice in another state or country may apply to the Board to have the license placed on inactive status. The bill also removes the fee charged to a licensee under current law to reinstate the inactive license.⁷⁸

Transition to biennial license period

Under the bill, an optometrist license or dispensing optician license issued or renewed on or after the bill's effective date will be issued as a biennial license. Certificates of licensure to practice optometry in effect on the bill's effective date continue until the end of the next even-numbered year, and dispensing optician licenses in effect on the bill's effective date continue until the end of the next odd-numbered year. The Board must accept any continuing education completed by a license holder on or after October 1, 2022, to renew the license.

The bill also requires the Board to revise any rules or requirements the Board has adopted relating to the duration of a certificate of licensure to comply with the bill's provisions regarding certificates of licensure issued by the Board.⁷⁹

Cease-and-desist orders

Under the bill, the Board may issue a cease-and-desist order to a person who is engaging in a violation that has caused, is causing, or is about to cause substantial and material harm.

If the person who is the subject of the order is licensed, the Board must mail a notice of the order immediately after issuance to the person and all other persons involved in the violation by certified mail, and then may publicize or otherwise make it known to all interested parties that it has issued the order. The person is entitled to a hearing regarding the continuation or revocation of the order in accordance with the procedures set forth in the bill and the Administrative Procedures Act. A cease-and-desist order is cumulative and concurrent

⁷⁷ R.C. 4725.16(C), (F), (H), and (I) and 4725.51(B).

⁷⁸ R.C. 4725.17 and 4725.171, repealed, with conforming changes in R.C. 4725.34.

⁷⁹ Section 5.

with other disciplinary actions the Board may take against a person for a violation of the law governing the practice of optometry or the law governing dispensing opticians.

The bill specifies that the Board's authority to issue a cease-and-desist order to a person engaged in the practice of optometry without a license is in addition to the Board's authority to investigate an unlicensed person. If a person is engaging in optical dispensing without a license, the Board must notify the appropriate prosecuting attorney for further action.⁸⁰

Dispensing optician experience

Under continuing law, an applicant is required to meet an experience or education requirement to be issued an initial spectacle dispensing optician license or spectacle-contact lens dispensing optician license. The bill permits an applicant for a spectacle dispensing optician license to complete 1,000 hours of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, and an applicant for a spectacle-contact lens dispensing optician license may complete 1,500 hours of supervised experience under one of those professionals. The current law requirement is two years of supervised experience. The bill maintains the ability of an applicant to complete a two-year optical dispensing college program in lieu of supervised experience to be issued a license.⁸¹

Apprentice registration renewal fee

Continuing law requires a dispensing optician apprentice to register annually with the Board and pay a \$20 initial registration fee. The bill removes the \$20 fee in current law for the apprentice to renew the registration and prohibits the Board from charging a renewal fee.⁸²

General provisions

Renewal of occupational licensing boards

The bill renews until December 31, 2028, the occupational licensing boards that were reviewed by the House State and Local Government Committee and the Senate Workforce and Higher Education Committee during the 134th General Assembly.⁸³ Those boards are as follows:

⁸⁰ R.C. 4725.19, 4725.231, 4725.53, and 4725.541.

⁸¹ R.C. 4725.48.

⁸² R.C. 4725.52.

⁸³ Section 4.

Occupational Licensing Boards Reviewed by the House State and Local Government Committee⁸⁴

Department of Aging	State Fire Marshal
Attorney General	Department of Insurance
Board of Building Standards	Board of Nursing
Chemical Dependency Professionals Board	Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
State Chiropractic Board	State Board of Pharmacy
Counselor, Social Worker, and Marriage and Family Therapist Board	State Board of Psychology
State Dental Board	State Speech and Hearing Professionals Board
Department of Developmental Disabilities	Veterinary Medical Licensing Board
Board of Embalmers and Funeral Directors	State Vision Professionals Board
State Board of Emergency Medical, Fire, and Transportation Services	

Under continuing law, a board, commission, committee, council, or any other similar public body, agency, division, or office of state government that issues one or more occupational licenses (“occupational licensing board”) is triggered for expiration following the sixth year after it was created or last renewed by an act of the General Assembly. No occupational licensing board expires before December 31, 2024. The House of Representatives and the Senate are directed by statute to review one-third of the state’s occupational licensing boards each biennium – including all boards that are scheduled to expire at the end of the biennium.⁸⁵

Photographs and physical descriptions

The bill prohibits an occupational licensing board from requiring a photograph or physical description of the applicant as a condition of issuing or renewing an occupational license, certification, or registration. It eliminates such requirements, under current law, for the following professions:

⁸⁴ See the House State and Local Government Committee [Occupational License Review Report \(PDF\)](#), and Senate Workforce and Higher Education Committee, [Occupational License Review Report \(PDF\)](#), both of which are available on the General Assembly’s website: legislature.ohio.gov.

⁸⁵ R.C. 101.62 and 101.63, not in the bill.

- Professional finders;
- Key employees of casino operators, management companies, or holding companies;
- Casino gaming employees;
- Barbers and barber students;
- Cosmetologists (all types of practicing licenses);
- Foreign real estate dealers; and
- Private investigators and security guard providers.

Other professionals may be subject to similar requirements imposed by administrative rule. The bill prohibits both statutory and rule-based requirements.⁸⁶

Virtual continuing education

The bill authorizes an occupational licensing board to allow an individual who is required to complete continuing education for renewal of an occupational license, specialty occupational license for medical reimbursement, or certification to do so virtually.⁸⁷

Sunset Review

The bill extends for two years the authorization for the Chiropractic Loan Repayment Advisory Board and the Holocaust and Genocide Memorial Education Commission. These two boards are set to expire under Sunset Review Law⁸⁸ on December 31, 2022.⁸⁹ The bill will take effect 90 days after filing, which likely will be a few months after the scheduled sunset date.

Under continuing law, certain boards and commissions expire by operation of Sunset Review Law four years more or less after the effective date of the act that established or renewed the board or commission. A board or commission may be renewed by passage of a bill that continues the statutes creating and empowering the entity.⁹⁰

Continuing Sunset Review Law provides that if the General Assembly does not renew or transfer a board or commission within an established time frame, the entity expires and the Office of Budget and Management cannot authorize the expenditure of any money for the agency on or after the expiration date.⁹¹

⁸⁶ R.C. 4798.05, 169.16, 3772.13, 3772.131, 4709.07, 4709.10, 4713.28, 4735.27, and 4749.03.

⁸⁷ R.C. 4798.06.

⁸⁸ R.C. 101.82 through 101.87, not in the bill.

⁸⁹ Section 11.

⁹⁰ R.C. 101.83(E), not in the bill.

⁹¹ R.C. 101.83(B), not in the bill.

HISTORY

Action	Date
Introduced	12-09-21
Reported, H. State and Local Government	03-23-22
Passed, House (92-1)	03-23-22
Reported, S. Workforce and Higher Education	--
